

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATS TREE SERVICES, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,  
*et al.*,

Defendants.

Case No. 2:24-cv-01743-KBH

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**UNOPPOSED MOTION OF PENNSYLVANIA STATE AND LOCAL ELECTED  
OFFICIALS FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE***

*Amici curiae* State and Local Elected Officials, respectfully submit this motion for leave to file the attached brief in opposition to the pending Motion for Stay of Effective Date and Preliminary Injunction. All parties consent to the filing of this brief.

*Amici* are state and local elected officials from Western Pennsylvania, representing communities with a range of local economies, needs, and perspectives. As elected leaders, *amici* are dedicated to creating healthy economic conditions for our constituents, which includes ample job opportunities and rights for workers. The FTC's Final Rule is well suited to promote economic activity and provide protections for workers. By limiting the free movement of labor in our communities, noncompete agreements impede small-business formation and innovation, undermine patient care, and restrict wages.

A "district court's decision to accept or reject an amicus filing is entirely within the court's discretion." *In re Nazi Era Cases Against German Defendants Litigation*, 153 Fed. App'x 819,827 (3d Cir. 2005). A court may grant leave to allow *amicus* briefing if the information offered is "timely and useful." *Waste Mgmt. of Pennsylvania, Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

*Amici* respectfully submit that the attached proposed brief will be useful to the Court in resolving the pending motions. The substance of the brief directly addresses the issue before the Court, emphasizing the necessity for the FTC's Final Rule to protect economic growth in our jurisdictions and provide crucial rights for our constituents. Moreover, the proposed brief will not cause delay and will be filed to allow appropriate time for the Court's review and Plaintiff's response.

## **CONCLUSION**

For the reasons described above, *amici* State and Local Elected Officials respectfully ask the Court to grant leave to file the attached brief in opposition of Plaintiff's Motions.

Respectfully submitted,

/s/ Jim Davy

Jim Davy (PA ID No. 321631)

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\**Pro hac vice* application forthcoming.

**CERTIFICATE OF SERVICE**

I certify that on June 14, 2024, I electronically filed this document using the ECF System, which will send notification to the ECF counsel of record.

/s/ Jim Davy  
Jim Davy